

REMARKS

Claims 1-18 are currently pending in the application. Applicants amend claims 1, 9, 11 and 15 in this paper. Support for the amendments may be found in the specification, *passim*, including at page 1, lines 6-16; page 3, lines 2-7; and page 6, lines 1-21. Applicants respectfully request reconsideration of the application in view of the amendments and accompanying remarks.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner introduces the rejection of claims 1-3, 5-6 and 8-18 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,043,777 (Bergman et al.). With regard to independent claims 1, 9, 11 and 15, the Examiner provides the following:

"[T]he claimed subject matter that is met by Bergman et al. (Bergman) includes:

- 1) the position marker is met by the beacon (2);
- 2) the locating device is met by the processor (420) of locator (400);
- 3) the GPS device communicatively coupled to the locating device and providing GPS coordinate data indicating the position of the marker when the marker is located is met by the GPS receiver (404) of the locator (400) which provides GPS coordinates of its present position upon arriving at the site of the beacon (2);
- 4) the GPS device communicatively coupled to the locating device is also met by the GPS receiver (6) of the beacon (2) which provides coordinate data of the beacon (2) that is transmitted to the locator (400) via communication between transmitter (10) and receiver (406) (see: column 6, lines 34-36).
- 5) the electronic memory for storing a data record associating the GPS coordinate data with the located position marker is met by the Beacon Position/Data Format Module (634) (see: column 7, lines 64 et seq.; column 8, lines 1-18)." (Office Action at pages 2-3)

Applicants respectfully offer the following traversal. Applicants amend independent claims 1, 9, 11 and 15 to clarify that the locating device obtains the physical location of the claimed position marker by means other than GPS coordinate data. As described, for example, in the specification at page 1, lines 6-16 and page 3, lines 2-4, typical locating devices employ an emitted RF signal that is reflected by the marker to the locator. Once it locates the marker, the locator device typically provides a visual and/or audio signal to guide a field technician to the physical

location of the position marker. Once this location is obtained, the technician can then read the GPS coordinates associated with that physical location from the claimed GPS device coupled to the located and thereby record the GPS coordinate data for the located marker.

In contrast to the claimed systems, devices and methods, the devices and methods of Bergman et al. employ a beacon to emit known GPS coordinate data to a locator. The locator independently determines its GPS position and the GPS satellites used in its position calculation and compares that data to the received beacon position and satellite identification. (*See, e.g.,* Bergman et al. at col. 3, lines 22-51). The Examiner equates Bergman's beacon to the claimed position marker, and Bergman's locator to the claimed locating device. It is clear, however, that the locating device "locates" the position of the beacon by receiving GPS coordinate data transmitted by the beacon. In the claimed systems, devices and methods the locating device does not employ GPS coordinate information or data to obtain the physical location of the position marker. Only once the position marker is physically located are GPS coordinate data associated with the marker and recorded. For at least this reason, the Bergman reference does not anticipate the rejected claims. Applicants therefore respectfully request reconsideration and withdrawal of the rejection.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects claims 4 and 7 under 35 U.S.C. § 103(a) as also unpatentable over U.S. Patent No. 6,043,777 (Bergman et al.). The Examiner finds each of the additional elements of these dependent claims as merely obvious variants of the disclosure of the Bergman reference.

Applicants respectfully traverse the rejection on substantially the same grounds as provided above. Because the independent claims from which they depend are patentable over Bergman et al., claims 4 and 7 are also necessarily patentable. Applicants therefore respectfully request that this ground for rejection also be reconsidered and withdrawn.


Conclusion

In view of the accompanying amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants request reconsideration and withdrawal of the various rejections set forth in the outstanding Office Action. The Examiner is

invited to contact the undersigned attorney if doing so would facilitate prosecution of the application.

Respectfully submitted,

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Date

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